

104TH CONGRESS
2D SESSION

H. R. 3486

To dispose of certain Federal properties at Dutch John, Utah, assist local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1996

Mr. ORTON introduced the following bill; which was referred to the Committee on Resources

A BILL

To dispose of certain Federal properties at Dutch John, Utah, assist local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds that:

5 (1) Dutch John, Utah was founded by the
6 United States Department of the Interior's Bureau
7 of Reclamation in 1958 on Reclamation lands as a
8 community to house personnel, administrative of-

1 fices, and equipment for project construction and op-
2 eration of Flaming Gorge Dam and Reservoir as au-
3 thorized by the Colorado River Storage Act. Perma-
4 nent structures including houses, administrative of-
5 fices, equipment storage and maintenance buildings,
6 and other public buildings and facilities were con-
7 structed and continue to be owned and maintained
8 by the Bureau of Reclamation.

9 (2) Reclamation lands surrounding Flaming
10 Gorge Reservoir, including the Dutch John townsite,
11 were included within the boundaries of the Flaming
12 Gorge National Recreation Area (NRA) in 1968
13 under Public Law 90–540. The Act gave administra-
14 tion, protection and development of the National
15 Recreation Area to the Secretary of Agriculture (act-
16 ing through the United States Forest Service) pro-
17 vided that lands and waters needed or used for the
18 Colorado River Storage project would continue to be
19 administered by the Secretary of the Interior (acting
20 through the Bureau of Reclamation). Most struc-
21 tures within Dutch John, including the community’s
22 schools and public buildings occupy lands adminis-
23 tered by the United States Forest Service.

24 (3) The Bureau of Reclamation and the United
25 States Forest Service are unnecessarily burdened

1 with costs of continuing to provide basic services, fa-
2 cilities and building maintenance, and administrative
3 costs of operating the community of Dutch John.
4 Certain structures and lands are no longer essential
5 to management of the project or to management of
6 the National Recreation Area.

7 (4) Residents of the community are interested
8 in purchasing the homes they currently rent from
9 the Bureau of Reclamation and the land upon which
10 they were built. Daggett County, Utah (County) is
11 interested in reducing the financial burden it experi-
12 ences in providing local government support services
13 to a community which produces little direct tax reve-
14 nue due to Federal ownership. A withdrawal of the
15 Federal Government's role of providing basic direct
16 community services to Dutch John would require
17 local government to provide such services and at
18 substantial cost.

19 (5) Residents are interested in self-government
20 of their community. With growing demands for addi-
21 tional commercial recreation services for National
22 Recreation Area and Ashley National Forest visitors,
23 there are opportunities for private economic develop-
24 ment, but few private lands are available for such
25 use.

1 (6) The privatization and disposal to local gov-
2 ernment of certain lands in and surrounding Dutch
3 John would be in the public's interest.

4 (b) PURPOSES.—The purposes of this Act are to pri-
5 vatize certain lands in and surrounding Dutch John;
6 transfer jurisdiction of certain Federal property between
7 the Secretary of the Interior and the Secretary of Agri-
8 culture; complement the Flaming Gorge National Recre-
9 ation Area; dispose of certain residential units, public
10 buildings, and facilities; and provide interim financial as-
11 sistance to local government to defray costs of providing
12 basic governmental services in order to achieve efficiencies
13 in operation of Flaming Gorge Dam and Reservoir and
14 the National Recreation Area, reduce long-term Federal
15 outlays, and serve the interests of the residents of Dutch
16 John, the County of Daggett, and the general public.

17 **SEC. 2. LANDS AND PROPERTIES FOR DISPOSAL.**

18 (a) IN GENERAL.—Certain lands, structures, and
19 community infrastructure facilities at Dutch John, Utah,
20 which have been identified by the Secretary of Agriculture,
21 acting through the United States Forest Service, or the
22 Secretary of the Interior, acting through the Bureau of
23 Reclamation, as no longer necessary for support of the re-
24 spective missions of the agencies, shall be transferred or
25 disposed as provided by this Act.

(b) LAND DESCRIPTION.—The following described lands, comprising 2,450 acres more or less, within or associated with the Dutch John community, having been determined as available for transfer or disposal by the Secretaries of the Interior and Agriculture, shall be disposed as provided by this Act, except for properties and land, 75 acres more or less, to be retained and as specifically excluded by subsection (e):

Salt Lake Base and Meridian:

Township 2 North, Range 22 East:

Section 1: NW¹/₄NW¹/₄; S¹/₂NW¹/₄;
S¹/₂

Section 2: S¹/₂

Section 11: All

Section 12: All

Section 13: N¹/₂

Section 14: E¹/₂NE¹/₄

Township 2 North, Range 23 East:

Section 3: 10 acres more or less with-
in NE¹/₄SW¹/₄

(c) INFRASTRUCTURE FACILITIES.—Community infrastructure facilities, having been determined as available for transfer or disposal by the Secretaries of the Interior and Agriculture, unless otherwise specifically excluded by

1 subsection (e), shall be disposed of including each of the
2 following:

3 (1) Fire station, sewer systems and sewage la-
4 goons, water systems except as provided in section
5 2(e)(3), post office, electrical and natural gas dis-
6 tribution systems, hospital building, streets, street
7 lighting, alleys, sidewalks, parks, and community
8 buildings located within or serving Dutch John, in-
9 cluding, but not limited to fixtures, equipment, land,
10 easements, rights-of-way or other property primarily
11 used for operation, maintenance, replacement, or re-
12 pair of the foregoing.

13 (2) The Dutch John Airport comprising 25
14 acres, more or less, including runways, roads, rights-
15 of-way, and all appurtenances thereto, and subject
16 to appropriate monitoring and any remedial action
17 as may be necessary by the United States.

18 (3) The lands upon which are located the Dutch
19 John public schools comprising 10 acres more or
20 less.

21 (d) OTHER PROPERTIES.—Other properties and fa-
22 cilities, having been determined as available for transfer
23 or disposal by the Secretaries of the Interior and Agri-
24 culture, shall be disposed under this Act including each
25 of the following:

1 (1) Certain currently occupied residential units
2 as determined by the Bureau of Reclamation.

3 (2) Certain currently unoccupied residential
4 units as determined by the Bureau of Reclamation.

5 (3) Lots within Dutch John community, cur-
6 rently occupied by privately owned modular homes
7 under a lease agreement with the Bureau of Rec-
8 lamation.

9 (4) Unoccupied platted lots within Dutch John
10 community.

11 (5) The land, 3.8 acres more or less, upon
12 which is located a Latter Day Saints church, Block
13 9, Townsite of Dutch John.

14 (6) The lands upon which the United States
15 Forest Service has issued special use permits, ease-
16 ments, or rights-of-way for commercial uses.

17 (7) The lands upon which are located the of-
18 fices, 3 employee residences, and facilities of the
19 Utah Division of Wildlife Resources, to be accurately
20 described by survey as directed under section 5, to
21 generally include those yards and grounds defined by
22 existing fences.

23 (8) Lands within or adjacent to the Dutch John
24 townsite, to be identified and mutually agreed to by
25 Daggett County, the United States Forest Service,

1 and the Bureau of Reclamation, suitable for con-
2 struction, development, and use of a community-use
3 solid waste transfer point of similar acreage as the
4 existing landfill site.

5 (9) Such existing and in-place fixtures and fur-
6 nishings mutually determined by Daggett County,
7 the United States Forest Service, and the Bureau of
8 Reclamation as necessary to the full use of prop-
9 erties or facilities to be disposed.

10 (10) Such other properties or facilities at Dutch
11 John for which the Bureau of Reclamation or the
12 United States Forest Service, now or in the future,
13 may determine are no longer necessary to achieve
14 their respective missions and whose disposal would
15 be consistent with the findings and provisions of this
16 Act.

17 (e) RETAINED PROPERTIES.—Certain lands, struc-
18 tures, and facilities shall be retained by the Bureau of
19 Reclamation or the United States Forest Service for their
20 respective use until or unless they are determined to be
21 available for disposal including each of the following:

22 (1) All buildings and improvements located
23 within Reclamation's industrial complex including,
24 but not limited to a maintenance shop, 40 industrial
25 garages, 2 warehouses, equipment storage building,

1 flammable equipment storage building, and hazard-
2 ous waste storage facility and the real estate upon
3 which they are located.

4 (2) Seventeen residences, 15 remaining in the
5 jurisdiction of the Bureau of Reclamation and 2 re-
6 maining in the jurisdiction of the United States For-
7 est Service.

8 (3) The Dutch John water system raw water
9 supply line and return line between the powerplant
10 and the water treatment plant, pumps and pumping
11 equipment, and any appurtenances and rights-of-way
12 thereto, with such retained facilities to be operated
13 and maintained by the United States with pumping
14 costs and operation and maintenance costs of the
15 pumps to be included as a cost to Daggett County
16 in a water service contract.

17 (4) The Dutch John Landfill site, which will re-
18 main under United States Forest Service jurisdiction
19 and which will be subject to appropriate monitoring
20 and any remedial action as may be necessary by the
21 United States with responsibility for monitoring and
22 remediation being shared by the United States For-
23 est Service and the Bureau of Reclamation propor-
24 tionate to their historical use of the facility.

1 (5) Heliport and associated real estate, consist-
2 ing of 20 acres more or less, which will remain in
3 the jurisdiction of the United States Forest Service.

4 (6) United States Forest Service warehouse
5 complex and associated real estate, consisting of ap-
6 proximately 2 acres, which will remain in the juris-
7 diction of the United States Forest Service.

8 (7) United States Forest Service office complex
9 and associated real estate, which will remain in the
10 jurisdiction of the United States Forest Service.

11 **SEC. 3. REVOCATION OF WITHDRAWALS.**

12 For those lands to be transferred or disposed under
13 section 2, each of the following withdrawals are hereby re-
14 voked, effective on the date of conveyance by Quitclaim
15 Deed out of Federal ownership:

16 (1) Public Water Reserve No. 16, Utah No. 7,
17 dated March 9, 1914.

18 (2) Secretary of the Interior Order dated Octo-
19 ber 20, 1952.

20 (3) Secretary of Interior Order dated July 2,
21 1956, No. 71676.

22 (4) Flaming Gorge National Recreation Area
23 dated October 1, 1968 (Public Law 90–540).

24 (5) Dutch John Administrative Site, dated De-
25 cember 12, 1951 (PLO 769, U–0611).

1 **SEC. 4. TRANSFER OF JURISDICTION.**

2 (a) TRANSFERS FROM UNITED STATES FOREST
3 SERVICE.—Except for lands to be retained by the United
4 States Forest Service under section 2(e), all lands des-
5 ignated under section 2 for disposal and lands designated
6 for Federal retention under section 2(e) shall be trans-
7 ferred from the jurisdiction of the Department of Agri-
8 culture to the Bureau of Reclamation and the Department
9 of the Interior and removed from inclusion in the Ashley
10 National Forest and the Flaming Gorge National Rec-
11 reational Area. The United States Forest Service shall
12 continue to administer and be responsible for management
13 of any United States Forest Service-issued special use per-
14 mits or United States Forest Service facilities or improve-
15 ments on lands to be disposed until such time as the sub-
16 ject lands are conveyed out of Federal ownership.

17 (b) FEDERAL IMPROVEMENTS.—The Secretary of the
18 Interior is authorized to transfer to the Secretary of Agri-
19 culture jurisdiction over Federal improvements to be used
20 by the United States Forest Service.

21 (c) WITHDRAWALS.—Notwithstanding the provisions
22 of subsection (a), those lands retained by the Federal Gov-
23 ernment will continue to be withdrawn from mineral entry
24 under the United States mining laws and subject to provi-
25 sions of section 5 of the Act of 1968 (Public Law 90—

1 540), establishing the Flaming Gorge National Recreation
2 Area.

3 **SEC. 5. SURVEYS.**

4 The Secretary of the Interior, in cooperation with the
5 Secretary of Agriculture, is directed to survey or resurvey
6 all or portions of the Dutch John Community as may be
7 necessary to accurately describe parcels identified for
8 transfer among agencies, for Federal disposal, or for re-
9 tention by the United States, and to facilitate future rec-
10 ordation of title.

11 **SEC. 6. PLANNING.**

12 The Dutch John Community Plan, prepared in co-
13 operation with the residents of Dutch John, the Bureau
14 of Reclamation, and the United States Forest Service, will
15 be recognized by the Bureau of Reclamation and the Unit-
16 ed States Forest Service as an indication of potential fu-
17 ture land use. The Bureau of Reclamation and the United
18 States Forest Service will cooperate with Daggett County
19 in assuring that disposal processes are consistent with
20 that plan and this Act.

21 **SEC. 7. APPRAISALS.**

22 (a) IN GENERAL.—Within 6 months after the enact-
23 ment of this Act, the Secretary of the Interior shall con-
24 duct appraisals to determine fair market value of those
25 properties designated for disposal under paragraphs (1),

1 (2), (3), (5), and (7) of section 2(d). Appraisals shall be
2 conducted for unoccupied platted lots referred to in section
3 2(d)(4) within 3 months of receipt by the Secretary of the
4 Interior from an eligible purchaser of a written notice of
5 intent to purchase the lot concerned. Appraisals shall be
6 conducted for lands and properties described under section
7 8(g) within 3 months of receipt by the Secretary of the
8 Interior from the permit holder of a written notice of in-
9 tent to purchase. Appraisals for implementation of that
10 subsection may include permit-holder improvements and
11 alternative land in order to conduct an in lieu land sale.
12 Funds for such appraisals shall be derived from the Upper
13 Colorado River Basin Fund. For occupied parcels, ap-
14 praisals shall include the full fee value of the occupied lot
15 or land parcel and the value of residences, structures, fa-
16 cilities, and existing, in-place federally owned fixtures and
17 furnishings necessary for full use of the property. For va-
18 cant parcels, appraisals will consider potential future uses
19 consistent with the Dutch John Community Plan ref-
20 erenced in section 6 and that Plan's land use map and
21 subsection (c).

22 (b) RECLAMATION FOR IMPROVEMENTS.—Appraisals
23 of residences or structures and facilities leased for private
24 use shall deduct the contributory value of improvements
25 made by the current occupant or lessee if such occupant

1 or lessee provides reasonable evidence of expenditure of
2 monies or materials in making such improvements.

3 (c) CURRENT USE.—Appraisals shall consider cur-
4 rent use of properties, housing as community residences,
5 and avoid uncertain speculation as to potential future use.

6 (d) REVIEW.—Appraisals shall be made available by
7 the Secretary of the Interior for review by current occu-
8 pants or lessees who may provide additional information
9 or protest the findings of the appraisal in writing to the
10 Bureau of Reclamation’s Upper Colorado Regional Direc-
11 tor. The Bureau of Reclamation will consider such com-
12 ments or protests and is authorized to conduct a second
13 appraisal if deemed necessary to resolve issues.

14 (e) INSPECTION.—The Secretary of the Interior shall
15 provide opportunities for other qualified, interested, pur-
16 chasers to inspect completed appraisals.

17 **SEC. 8. DISPOSAL OF PROPERTIES.**

18 (a) CONVEYANCES.—The Secretary of the Interior
19 shall dispose of properties identified for disposal in section
20 2, except for properties identified for retention by the
21 United States Forest Service in section 2(e), without re-
22 gard to law governing patenting. Unless specifically stated
23 otherwise, conveyance of buildings, structures, and facili-
24 ties is “as is” and is intended to include the land parcel
25 upon which they are situated. Existing and in-place fix-

1 tures and furnishings necessary for the full use of the
2 properties or facilities will be conveyed along with the
3 property. The Secretary of the Interior shall assure rea-
4 sonable and prudent maintenance and proper care of prop-
5 erty to be disposed until title has passed. Recipients will
6 be responsible for maintenance and proper care of prop-
7 erty after title has passed. Recipients shall also be respon-
8 sible for contamination of property which occurs after title
9 has passed.

10 (b) INFRASTRUCTURE.—Community infrastructure
11 facilities as described under section 2(c)(1) and (2) shall
12 be conveyed without consideration to the County of
13 Daggett, Utah.

14 (c) SCHOOL.—The lands upon which are located the
15 Dutch John Public School, section 2(c)(3), shall be con-
16 veyed without consideration to the Daggett County School
17 District.

18 (d) SOLID WASTE TRANSFER STATION.—Lands se-
19 lected for use as a solid waste transfer point as described
20 in section 2(d)(8) shall be conveyed without consideration
21 to Daggett County.

22 (e) OFFICES, ETC.—Lands upon which are located
23 the Utah Division of Wildlife Resources' offices, 3 em-
24 ployee residences, warehouse, and facilities described in
25 section 2(d)(7) shall be conveyed to the Utah Division of

1 Wildlife Resources upon payment to reclamation of ap-
2 praised fair market value. The Secretary of the Interior
3 shall notify the Division in writing of the property's avail-
4 ability for purchase. Should no contract for sale be re-
5 ceived by the Secretary of the Interior within 2 years of
6 notification, the land shall be conveyed without consider-
7 ation to Daggett County.

8 (f) RESIDENCES AND LOTS.—(1) Residences and oc-
9 cupied residential lots to be disposed shall be sold for ap-
10 praised fair market value. The Secretary of the Interior
11 shall provide local general public notice and provide writ-
12 ten notice to its lessees and to current occupants of resi-
13 dences and of occupied residential lots for disposal of its
14 intent to sell such properties.

15 (2) The holder of a current lease from the Secretary
16 of the Interior for a residence to be sold (section 2(d)(1)
17 and (2)) or for a residential lot currently occupied by a
18 privately owned dwelling (as described in section 2(d)(3)),
19 shall be provided 6 months from the date of the Sec-
20 retary's written notice of intent to sell to execute a con-
21 tract with the Secretary of the Interior to purchase such
22 residence or lot for appraised fair market value. The lessee
23 shall have 3 months in which to notify the Secretary in
24 writing of intent to purchase. If no written notification
25 of intent to purchase is received by the Secretary within

1 3 months, or if a purchase contract has not been signed
2 within 6 months, the residence or lot shall become avail-
3 able for purchase by others under paragraph (3).

4 (3) Current authorized occupants of residences to be
5 sold, holders of a current reclamation lease for a residence
6 within Dutch John, employees of the Bureau of Reclama-
7 tion or the United States Forest Service currently residing
8 in Dutch John, or other Federal agency mission-support-
9 ing individuals residing in Dutch John are eligible to pur-
10 chase those resident properties which are not under rec-
11 lamation lease and are designated for disposal by sale or
12 those properties under paragraph (2) for which no intent
13 to purchase or purchase contract was received within the
14 established time period. Priority for purchase of properties
15 available for purchase under this subsection shall be by
16 seniority of reclamation lease or residency in Dutch John.

17 (A) The Secretary of the Interior shall compile
18 a priority list of eligible potential purchasers with
19 the household or agency with the longest continuous
20 residency or reclamation issued residence lease in
21 Dutch John first, followed by the household or agen-
22 cy with the next longest continuous residency or
23 lease and so on until all eligible purchasers are
24 ranked numerically by seniority. If residency or con-
25 tinuous lease was interrupted, only that most recent

1 continuous residency or lease shall be considered. No
2 factor, including agency employment or position,
3 other than length of current residency or lease will
4 be considered in preparing the priority list. Disputes
5 over eligibility or ranking on the priority list shall be
6 filed in writing with the Secretary of the Interior,
7 acting through the Upper Colorado Regional Direc-
8 tor of the Bureau of Reclamation who shall consider
9 such information or dispute and make a determina-
10 tion to resolve the dispute. The Regional Director is
11 authorized to appoint a nonfunded Advisory Com-
12 mittee comprised of one representative each from the
13 Bureau of Reclamation, Daggett County, and the
14 Dutch John community to review and provide advice
15 to him on resolution of disputes arising under sub-
16 sections (f) and (g).

17 (B) The Secretary of the Interior shall provide
18 general public notice and written notice by certified
19 mail to eligible purchasers listing properties available
20 for purchase under this subsection, their appraised
21 fair market value, instructions for potential eligible
22 purchasers, and any purchase contract requirements.
23 Eligible purchasers shall have 3 months after receipt
24 of written notification to submit to the Secretary of
25 the Interior a written notice of intent to purchase a

1 specific available property at the listed appraised
2 fair market value. The Secretary of the Interior
3 shall provide notice to the potential purchaser with
4 the highest eligible purchaser priority for each prop-
5 erty that it will have first opportunity to execute a
6 sales contract and purchase said property.

7 (C) Should no purchase contract be executed by
8 the highest priority purchaser within 6 months, the
9 property shall be put up for sale to those remaining
10 on the eligible purchaser priority list.

11 (D) No household may purchase more than one
12 residential property.

13 (E) The Secretary of the Interior shall provide
14 advice to potential purchasers under subsections (f)
15 and (g) in obtaining appropriate and reasonable fi-
16 nancing for residence or lot purchase.

17 (F) Those residence properties which are made
18 available for sale and for which a purchase contract
19 has not been signed within 2 years of the first intent
20 of sale notice will be conveyed without consideration
21 to Daggett County.

22 (g) UNOCCUPIED PLATTED LOTS.—Unoccupied plat-
23 ted lots as described in section 2(d)(4) shall be made avail-
24 able for sale to eligible purchasers for appraised fair mar-
25 ket value, except for lots which the Secretary of the Inte-

rior may convey, upon request from Daggett County, directly to the County without consideration and specifically for public use purposes which are consistent with the Dutch John Plan. For lots to be sold, procedures for eligibility, priority, notification, notice of intent to purchase, purchase contract execution, and reoffer for sale under subsection (f) shall be applied. For each parcel, notification will include the Dutch John Community Plan land-use designation as referenced in section 6. No household may purchase more than one residential lot. No household purchasing an existing residence may purchase a “single home, residential” lot. Those lots made available for sale and for which no purchase contract has been signed within 2 years of first notice of intent to sell will be conveyed without consideration to Daggett County.

(h) SPECIAL USE PERMITS.—Lands upon which United States Forest Service special use permits are issued to holders number 4054 and 9303, Ashley National Forest, comprising 15.3 acres and 1 acre respectively, may be sold at appraised fair market value to the holder of the permit. The Secretary of the Interior shall notify the respective permit holders in writing of the availability for purchase of the subject property. Appraisals of the properties shall not be conducted until a written notice of intent to purchase has been received by the Secretary of the

1 Interior within 2 years of notification, the land concerned
2 shall be conveyed without consideration to the County sub-
3 ject to execution of agreements as provided under sub-
4 section (i) and section 9. Upon request by permit holder
5 9303, the Secretary of the Interior, in consultation with
6 the County, may consider sale of a parcel within the town-
7 site of similar size and appraised value in lieu of the land
8 currently under permit and may provide the holder credit
9 toward purchase or other negotiated compensation for the
10 appraised value of permittee's improvements to land cur-
11 rently under permit.

12 (i) TRANSFERS TO COUNTY.—Other lands occupied
13 by authorization of a United States Forest Service special
14 use permit, easement, or right-of-way shall be transferred
15 to the County, provided the holder of the authorization
16 and the County agree to and execute a legal document
17 that grants the holder the rights and privileges provided
18 in the existing United States Forest Service authorization
19 or as otherwise satisfactory to the holder and the County,
20 prior to transfer of said lands to the County.

21 (j) CHURCH.—Land upon which is located any estab-
22 lished church shall be sold at appraised fair market value
23 to the parent entity of that church. The Secretary of the
24 Interior shall notify the church in writing of the property's
25 availability for purchase. Should no contract for sale be

1 received by the Secretary of the Interior within 2 years
2 of notification, the land shall be conveyed without consid-
3 eration to Daggett County.

4 (k) OTHER PROPERTIES.—All other lands, buildings,
5 or facilities designated for disposal will be conveyed with-
6 out consideration to Daggett County.

7 (l) WATER RIGHTS.—The Secretary of the Interior
8 shall transfer all water rights it holds that are applicable
9 to the Dutch John municipal water system to Daggett
10 County. Transfer of rights and water supply is contingent
11 upon Daggett County entering into a water service con-
12 tract with the Secretary of the Interior covering payment
13 for and delivery of untreated water to Daggett County
14 pursuant to the Colorado River Storage Act. Such con-
15 tract will require payment only for that water actually de-
16 livered. Existing rights and water supply for transfer to
17 Daggett County include, but may not be limited to both
18 of the following:

19 (1) Utah Water Right 41–2942 (A30557, Cert
20 #5903) for 0.08 cubic feet per second from a water
21 well; and

22 (2) Utah Water Right 41–3470 (A30414b), an
23 unapproved application to segregate 12,000 acre-feet
24 per year of water from the original approved Flam-

1 ing Gorge water right (41–2963) for municipal use
2 in the town of Dutch John and surrounding areas.
3 Such transfer of water rights is conditioned upon Daggett
4 County’s agreement to provide culinary water supplies to
5 United States Forest Service campgrounds currently
6 served by the water supply system and to United States
7 Forest Service and Bureau of Reclamation facilities at a
8 rate equivalent to other similar uses. The United States
9 Forest Service and the Secretary of the Interior shall be
10 responsible for maintenance of their water systems from
11 the point of their distribution lines.

12 (m) SHORELINE ACCESS.—Upon receipt of an ac-
13 ceptable application, the Secretary of Agriculture shall
14 consider issuance of a Special Use Permit affording Flam-
15 ing Gorge Reservoir public shoreline access and use within
16 the vicinity of Dutch John in conjunction with commercial
17 visitor facilities provided and maintained under such a
18 permit.

19 (n) REVENUES.—All revenues derived from the sale
20 of properties as authorized by this Act shall temporarily
21 be deposited in a segregated interest-bearing trust account
22 in the United States Treasury with the monies on hand
23 in the account paid to Daggett County semiannually to
24 be used by the County for purposes associated with the

1 provision of governmental and community services to the
2 community of Dutch John.

3 **SEC. 9. VALID EXISTING RIGHTS.**

4 Should any leases, permits, rights-of-way, easements,
5 or any other valid existing rights be appurtenant to prop-
6 erties conveyed to the County, the County shall honor and
7 enforce the rights, through a legal document agreed to and
8 executed by the County and the holder prior to the trans-
9 fer of said lands to the County. The County may extend
10 or terminate the agreement at the end of its term. During
11 such period as the County is enforcing a former federally
12 issued right through a legal agreement between the Coun-
13 ty and the permit holder, the County will collect and enjoy
14 the benefit of any revenues previously due the Federal
15 Government under the terms of the right. If the valid ex-
16 isting right has been extinguished or otherwise protected,
17 the County may dispose of the subject property.

18 **SEC. 10. ENVIRONMENTAL CONSIDERATIONS AND WAIVERS**
19 **OF PUBLIC LAW.**

20 (a) SENSITIVE RESOURCES.—The Secretary of Agri-
21 culture, acting through the United States Forest Service
22 in cooperation with the Secretary of the Interior, acting
23 through the Bureau of Reclamation and the United States
24 Fish and Wildlife Service, shall conduct threatened and
25 endangered species clearances, and other environmental

1 reviews, identify sensitive resources, and, if deemed nec-
2 essary by the Secretary of Agriculture and the Secretary
3 of the Interior, formulate mitigation strategies to mini-
4 mize potential effects to such resources on those lands to
5 be disposed. The Secretary of the Interior, the Secretary
6 of Agriculture, the State of Utah, and Daggett County
7 shall negotiate implementation of such strategies to pro-
8 tect sensitive resources in a manner which is consistent
9 with the purposes of this Act.

10 (b) CULTURAL RESOURCES.—Prior to transfer and
11 disposal of any lands upon which are found cultural re-
12 sources which may be eligible for recordation in the Na-
13 tional Register of Historic Places, the Secretary of Agri-
14 culture, in consultation with the Utah Office of Historic
15 Preservation and Daggett County, shall prepare a Memo-
16 randum of Agreement (MOA), for review and approval by
17 the Utah Office of Historical Preservation and the Na-
18 tional Advisory Council on Historic Preservation, which
19 shall set forth a strategy for clearance or protection of
20 cultural resources on affected lands. Until such time that
21 a Memorandum of Agreement has been approved, or until
22 lands are disposed as provided by this Act, the Secretary
23 of Agriculture shall act diligently in proceeding to provide
24 clearance or protection to such resources. For any cultural
25 resources for which protection, clearance, or other actions

1 identified in the Memorandum of Agreement have not
 2 been completed at time of disposal, Daggett County shall
 3 provide to the Secretary of Agriculture a written agree-
 4 ment to complete such actions provided for in the Memo-
 5 randum of Agreement.

6 (c) FLPMA.—Disposal, sale, and conveyance of
 7 lands and property under this Act shall be completed not-
 8 withstanding the provisions of sections 202 and 203, title
 9 II, of the Federal Land Policy and Management Act of
 10 1976 (43 U.S.C. 1712 and 1713) and other laws applica-
 11 ble to the sale or disposal of Federal property.

12 (d) NEPA.—For purposes of compliance with the
 13 National Environmental Policy Act of 1969 (42 U.S.C.
 14 4332), the Secretary shall prepare an environmental as-
 15 sessment regarding the disposal, sale, and conveyance of
 16 lands and property under this Act .

17 **SEC. 11. TRANSITION TO LOCAL GOVERNMENT CONTROL/**
 18 **SERVICES AND FUNDING AUTHORIZATION.**

19 (a) ASSISTANCE.—The Secretary of the Interior shall
 20 provide training and transitional operating assistance to
 21 personnel designated by Daggett County as successors to
 22 the Secretary’s operators of those infrastructure systems
 23 and facilities described under section 2(c). Such training
 24 shall continue so long as necessary to demonstrate reason-
 25 able capability to safely and efficiently operate systems,

1 but not to exceed 2 years. The Secretary shall remain
2 available to assist with resolving questions about systems'
3 original design and installation, operating and mainte-
4 nance needs, or other system issues.

5 (b) SOLID WASTE.—The Secretary of Agriculture, in
6 cooperation with the Secretary of the Interior and Daggett
7 County, shall design, construct, and prepare for operation
8 a community-use solid waste transfer point on lands noted
9 in section 2(d)(8) and section 8(c). The facility shall com-
10 ply with pertinent local, State, and Federal standards and
11 regulations, and upon completion, shall be conveyed with-
12 out consideration to Daggett County.

13 (c) ANNUAL GRANT.—An annual grant of \$500,000,
14 adjusted annually corresponding to the Consumer Price
15 Index, shall be provided from the Upper Colorado River
16 Basin Fund to Daggett County and/or incorporated Dutch
17 John for a period not to exceed 15 years for the purposes
18 of defraying costs of transition in administration and pro-
19 vision of basic community services.

20 (d) DIVISION OF GRANT.—Should Dutch John be in-
21 corporated and become responsible for operating any of
22 the disposed infrastructure facilities or for providing other
23 basic local governmental services, the grant amount for
24 the year of incorporation and each succeeding year shall
25 be proportionately divided between Daggett County and

1 Dutch John Town based upon the costs in the previous
2 year in providing the respective governmental services.

3 (e) ENERGY.—The United States shall make avail-
4 able electric power and associated energy from the Colo-
5 rado River Storage Project for the Dutch John commu-
6 nity. The amount of energy available shall not exceed
7 1,000,000 Kwh per year. The rate for power and associ-
8 ated energy will be at the firm capacity and energy rates
9 of the Salt Lake City Area/Integrated Projects. Power and
10 energy provided to the industrial complexes of the Bureau
11 of Reclamation and the United States Forest Service shall
12 be at cost.

13 (f) RESOURCE RECOVERY AND MITIGATION.—Such
14 nonpower revenues are authorized to be appropriated to
15 the United States Forest Service as may be necessary for
16 implementation of habitat, sensitive resource, or cultural
17 resource recovery, mitigation, or replacement strategies,
18 but not to include acquisition of privately owned lands in
19 Daggett County, which may be developed as per section
20 10(a) of this Act.

21 (g) SOLID WASTE.—Such nonpower revenues are au-
22 thorized to be appropriated to the Secretary of Agriculture
23 as may be necessary for design, construction, and develop-
24 ment of a solid waste transfer point to serve the commu-
25 nity of Dutch John.

1 (h) AUTHORIZATION.—There is authorized to be ap-
2 propriated such other sums as may be necessary to carry
3 out the purposes of this Act.

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